

REMARKS

1. Status of the Application

Claims 1- 8, 14-18, 20-23, 79, 83 and 84 are pending in the application and stand rejected.

2. Claim Rejections Under 35 U.S.C. §103

Claims 1- 8, 14, and 79 are rejected under 35 U.S.C. §103(a) as being unpatentable over Delta Model 36-906 ("Delta").

One of the basic criteria for establishing a prima facie case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143, Eighth Edition, August 2001. Delta does not disclose a cutting device that includes a workpiece guide with an infeed extension that has an infeed platform that extends along and substantially abuts the work surface of the cutting device at the infeed edge, wherein the infeed platform provides workpiece support and is coplanar with the work surface. Furthermore, Delta does not disclose an adjustment mechanism mounted on the infeed extension to selectively adjust an elevation of the infeed extension relative to the work surface. Therefore, Delta fails to disclose all the elements of amended claim 1 and of claims 2-8, 14 and 79, which depend directly or indirectly from claim 1.

Claims 15-23, 83 and 84 are rejected under 35 U.S.C. §103(a) as unpatentable over Delta Model 36-906 ("Delta") in view of Hughes et al. (US 4,964,450) and Boice (US 2,166,703). These references, singly or in combination, fail to disclose a saw that includes a workpiece guide with an infeed extension that has an infeed platform that extends along and substantially abuts the work surface of the cutting device at the infeed edge, wherein the infeed platform provides workpiece support and is coplanar with the work surface. Furthermore, these references do not disclose an adjustment mechanism mounted on the infeed extension to selectively adjust an elevation of the infeed extension relative to the work surface. Therefore, these references fail to disclose all the elements of amended claim 15 and of claims 16-23, 83 and 84 that depend directly or indirectly from claim 15.

Regarding Examiner's Official Notice of the adjustment mechanism, it is respectfully submitted that the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention. MPEP §2141, Eight Edition, August 2001. Furthermore, the prior art must teach or suggest all the claim limitations. MPEP §2143, Eight Edition, August 2001. The Office Action does not provide any references with the adjustment mechanism that is recited in independent claims 1 and 15. Reconsideration and withdrawal of the rejections of all the pending claims is respectfully requested.

3. Conclusion

It is respectfully submitted that all of the pending claims are in condition for allowance. Accordingly, reconsideration and passage to allowance of the subject application at an early date are earnestly solicited. If the undersigned can be of assistance in advancing the subject application to allowance, the Examiner may contact the undersigned at the telephone number set forth below.

Respectfully submitted,



Maria Comninou
Registration No. 44,626
Attorney for Applicants

Kirkpatrick & Lockhart LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222
Telephone: (412) 355-6583
Fax: (412) 355-6501

Attorney docket: 97482

Serial No.: 09/134,854

Version With Markings to Show Changes Made

In the Claims

Claims 1 and 15 were amended as follows:

1. (Six times amended) A cutting device comprising:

a work surface having an infeed edge;

an infeed rail attached to the work surface along the infeed edge; and

a workpiece guide slidably disposed on said infeed rail for guiding workpieces on the cutting device, the workpiece guide comprising:

a fence body;

an infeed extension integral to said fence body, said infeed extension comprising an infeed platform [adjacent to] that extends along and substantially abuts said work surface at the infeed edge, wherein said infeed platform provides workpiece support and is coplanar with said work surface; and

an adjustment mechanism mounted on said infeed extension to selectively adjust an elevation of said infeed extension relative to said work surface.

15. (Five Times Amended) A saw comprising:

a work surface having an infeed edge and an outfeed edge;

a rail system comprising an infeed rail disposed along said infeed edge and an outfeed rail disposed along said outfeed edge; and

a workpiece guide slidably disposed on said rail system, said workpiece guide comprising a fence body and an infeed extension integral to said fence body, said fence body

having an infeed end and an outfeed end, said infeed extension comprising at least one infeed platform [adjacent to] that extends along and substantially abuts said work surface at said infeed edge, wherein said infeed platform provides workpiece support and is coplanar with said work surface, and an adjustment mechanism mounted on said infeed extension to selectively adjust an elevation of said infeed extension relative to said work surface.